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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ROCHE, TRENTON J

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/582,701

Applicant(s)

NACHEF ET AL.

Examiner

Trent J Roche

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>06302000</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This action is responsive to communications filed 18 November 2004.
2. Per applicant's request, amended claims 11, 29 and 34-36 have been entered. Claims 11-37 are now pending.
3. Claims 11-37 have been examined.

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on 30 June 2000 has been considered by the Examiner.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 29-37 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The claims appear to disclose a computer system for implementing a method; however, no physical structure of the computer system is disclosed in the body of the claim which would enable a computer system to adequately perform the disclosed method. Furthermore, claims 29-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As no structural elements of the computer system is disclosed in the independent claim, it is unclear to the Examiner whether the applicant intends the claim to be directed to a computer system, or directed to a method. Further,

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the dependent claims fail to correct the deficiencies of the independent claim, as they appear to be directed to "A computer system according to claim 29..." with the exception of claim 35, which states "A method according to claim 29..."

7. As such, the claims are highly indefinite, and for purposes of examination, the claims are being interpreted as method claims.

Claim Rejections - 35 USC § 102

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8. Claims 11-37 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent 6,237,135 to Timbol.

Regarding claim 11:

Timbol teaches:

- a method for deriving a class and/or an object having a first given name, comprising making a copy of an entire tree of the class or object, the class or the object including an instance of a generic attribute class and an instance of a generic method class, the instance of the generic method class including an instance of a generic parameter class, storing the copy of the tree, and changing said first given name in order to assign a second name to the stored copy as claimed (Note col. 2 lines 30-63. A copy of a first class named "Point" is created, which is given the name "myPoint" in the instantiation process. This copy has all attributes and variables of the first class. Further, note Fig. 3 and the corresponding section of the disclosure. Java classes inherently contain generic attribute classes and an instance of a

generic method class, as all Java classes contain a default generic constructor which can be overloaded, and the generic constructor has a generic parameter.)

Regarding claim 12:

The rejection of claim 11 is incorporated, and further, Timbol teaches a copy made through a serialization of the tree representing said class or said object as claimed (“Serializing a bean saves its state as a sequence of bytes that can be sent over a network or saved to a file.” in col. 18 lines 56-57)

Regarding claim 13:

The rejection of claim 11 is incorporated, and further, Timbol teaches inheritance of the class as claimed (“By using the Base Class to Inherit From drop-down list...the user can choose a class to extend.” in col. 10 lines 57-59)

Regarding claim 14:

The rejection of claim 11 is incorporated, and further, Timbol teaches instantiation as claimed. Note the rejection regarding claim 11.

Regarding claim 15:

The rejection of claim 11 is incorporated, and further, Timbol teaches cloning as claimed. Note the rejection regarding claims 11 and 12. Instantiation, as well as Serialization, produces a clone of the parent class or object.)

Regarding claim 16:

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The rejection of claim 11 is incorporated, and further, Timbol teaches automatically generating the class by means of a tool having at least one dialog box as claimed. Note Fig. 3 and the corresponding section of the disclosure.

Regarding claim 17:

The rejection of claim 16 is incorporated, and further, Timbol teaches implementing the derivation by a computer designer, and using a command interface of a computer system as claimed. Note Figures 2c – 11 and the corresponding sections of the disclosure.

Regarding claim 18-20:

The rejection of claim 12 is incorporated, and further, note the rejection regarding claims 13-15, respectively.

Regarding claims 21-24:

The rejections of claims 12-15 are incorporated, respectively, and further, note the rejection regarding claim 16.

Regarding claims 25-28:

The rejections of claims 21-24 are incorporated, respectively, and further, note the rejection regarding claim 17.

Regarding claims 29-37:

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Claims 29-37 do not further disclose or teach any new matter beyond that which is disclosed in claims 1-17, and are therefore rejected for the reasons set forth in connection with claims 1-17. As no physical structure relating the computer system to the method is recited, the claim is interpreted as a method claim, and the preamble reciting a computer system is not being given patentable weight.

Response to Arguments

9. Applicant's arguments filed 18 November 2004 have been fully considered but they are not persuasive.

Per claims 11 and 29:

The applicant states that Timbol does not teach or suggest making a copy of an entire tree of a class or object, the class or object including an instance of a generic attribute class and an instance of a generic method class, the instance of the generic method class including an instance of a generic parameter class. In response, note the rejection of claim 11, wherein a class 'myPoint' is created, which is a copy of the base 'Point' class. This newly created class is a copy of the entire class tree structure that the 'Point' class contains. Further, the 'Point' class does contain an instance of a generic attribute class and an instance of a generic method class, the instance of the generic method class including an instance of a generic parameter class, as all Java classes and objects contain default generic constructors with default parameters which can be overloaded by the developer. For these reasons, the rejection of claims 11 and 29 is proper and maintained.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trent J Roche whose telephone number is (571)272-3733. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571)272-3719. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Trent J Roche
Examiner
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TJR

Kakali Chaki

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